

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SHARON CHAMBERS

VS.

MICHAEL J. ASTRUE,
Commissioner of
Social Security

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CIVIL ACTION NO.4:07-CV-234-Y

ORDER ADOPTING MAGISTRATE JUDGE'S
FINDINGS, CONCLUSIONS, AND RECOMMENDATION

On September 5, 2007, the United States magistrate judge issued his proposed findings, conclusions, and recommendation ("findings") in the above-styled and numbered cause. Plaintiff Sharon Chambers had filed a claim on behalf of her son for supplemental security income ("SSI") under Title XVI of the Social Security Act. Her claim was denied at each stage of the review process and, on August 20, 2004, the Appeals Council mailed Chambers notice that her request for review had been denied. Chambers commenced this action on April 19, 2007, seeking judicial review under 42 U.S.C. § 405(g). The commissioner filed a motion to dismiss, arguing Chambers action was untimely. Chambers never filed a response.

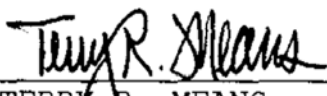
In his findings, the magistrate judge recommended that the commissioner's motion be granted and the action be dismissed because it was untimely filed. The magistrate judge's order gave all parties until September 26 to serve and file with the Court written objections to his proposed findings.

Chambers sent the Court a hand-written letter on September 12 objecting to the magistrate's recommendation. She did not file her

letter and the letter does not indicate that the commissioner was ever served with a copy. Accordingly, the Court will not consider her letter. As a result, in accordance with 28 U.S.C. § 636(b)(1), *de novo* review is not required.

Nevertheless, the Court has reviewed the magistrate judge's findings for plain error and has found none. Thus, after consideration of this matter, the Court concludes that the findings and conclusions of the magistrate judge should be and are hereby ADOPTED as the findings and conclusions of this Court. The commissioner's motion (doc. #16) to dismiss is GRANTED for the reasons stated in the magistrate's findings. The above-styled and -numbered action is hereby DISMISSED WITH PREJUDICE.

SIGNED October 16, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE